

# **GROUP EXHIBIT D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>ADMIN INC. d/b/a PARO INC., A Delaware Corporation,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:23-cv-04430</b>
	)	
<b>v.</b>	)	<b>Judge Franklin U. Valderrama</b>
	)	
<b>LUKE KOHAN an individual, and FIRMKEY SOLUTIONS LLC,</b>	)	<b>Magistrate Judge M. David Weisman</b>
	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT FIRMKEY SOLUTIONS LLC'S FIRST SUPPLEMENTAL RESPONSES  
TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND ELECTRONICALLY STORED INFORMATION  
TO DEFENDANT FIRMKEY SOLUTIONS LLC**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and the Order of the Honorable Franklin Valderrama dated July 27, 2023, FirmKey Solutions, LLC ("FirmKey") provides the following First Supplemental Responses to Plaintiff's First Set of Document Requests. Its previous response is incorporated by reference.

11. All documents identifying the clients with which FirmKey works.

**RESPONSE:** FirmKey objects to this request as being overly broad, unduly burdensome, and not proportional to the needs to the case. Subject to and without waiving its objections, FirmKey will produce its client list as an interrogatory response.

13. Copies of all versions of the engagement letter(s) or other contract(s) between FirmKey and its experts.

**RESPONSE:** Responsive documents will be produced, including one engagement letter (or SOW) between Client and Vendor) with the Vendor's name redacted.

Dated: September 4, 2023

By: /s/ Thomas G. Pasternak

Thomas G. Pasternak

Akerman LLP

71 South Wacker Drive

47<sup>th</sup> Floor

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**CERTIFICATE OF SERVICE**

I, Thomas G. Pasternak, an attorney, certify that a copy of the foregoing **Defendant FirmKey Solutions LLC's First Supplemental Responses to Plaintiff's First Set of Requests for Production of Documents and Electronically Stored Information to Defendant FirmKey Solutions LLC** was served on this 4<sup>th</sup> day of September, 2023, via email upon:

Chad W. Moeller ([cmoeller@nge.com](mailto:cmoeller@nge.com))  
Sonya Rosenberg ([srosenger@nge.com](mailto:srosenger@nge.com))  
Collette A. Woghiren ([cwoghiren@nge.com](mailto:cwoghiren@nge.com))  
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/s/ Thomas G. Pasternak

Thomas G. Pasternak

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
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<b>ADMIN INC. d/b/a PARO INC., A Delaware Corporation,</b>	)	
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<b>Plaintiff,</b>	)	<b>Case No. 1:23-cv-04430</b>
	)	
<b>v.</b>	)	<b>Judge Franklin U. Valderrama</b>
	)	
<b>LUKE KOHAN an individual, and FIRMKEY SOLUTIONS LLC,</b>	)	<b>Magistrate Judge M. David Weisman</b>
	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT LUKE KOHAN'S FIRST SUPPLEMENTAL RESPONSES TO  
PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS  
AND ELECTRONICALLY STORED INFORMATION  
TO DEFENDANT LUKE KOHAN**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and the Order of the Honorable Franklin Valderrama dated July 27, 2023, provide the following First Supplemental Responses to Plaintiff's document requests. Its previous responses are incorporated by reference.

7. All correspondence, including but not limited to emails, text messages and instant messages, between you and any and all co-founder(s), member(s) and shareholder(s) of FirmKey since January 1, 2023.

**RESPONSE:** Kohan objects to this request as being overly broad, unduly burdensome, and not proportional to the needs of this case. It reaches beyond what is necessary for Plaintiff to protect its general business interests. Defendants have provided Plaintiff with FirmKey's client list, which suffices as evidence that none of Plaintiff's clients, which is the trade secret alleged by Plaintiff, have been solicited or otherwise misappropriated. Paro has stated that it is relying on the inevitable disclosure doctrine and has conceded that it has no

evidence of actual misappropriation by Mr. Kohan. Plaintiff by this request is simply fishing for information that is not pertinent to their claims and therefore Plaintiff has no colorable reason to obtain the information sought by this request.

15. Your Outlook or similar calendars since January 1, 2023.

**RESPONSE:** Kohan objects to this request as being overly broad, unduly burdensome, and not proportional to the needs of this case. It is an invasion of Kohan's privacy and reaches beyond what is necessary for Plaintiff to protect its general business interests. Defendant Kohan has sworn under oath that he does not possess Plaintiff's trade secrets and that he has not solicited Paro's clients. Plaintiff's interest in Kohan's calendar is irrelevant in Plaintiff's attempts to prove such claims. Moreover, FirmKey has provided its client list. Paro's theory is one of inevitable disclosure, and nothing in Kohan's calendar has anything to do with that theory. Plaintiff is simply fishing for irrelevant information.

16. Other than business-related travel you engaged in on behalf of Paro, all documents relating to your travel schedule since January 1, 2023.

**RESPONSE:** Kohan objects to this request as being overly broad, unduly burdensome, and not proportional to the needs of this case. Subject to and without waiving its objections, Kohan will produce responsive documents.

18. Your cell phone records from January 1, 2023 to the present.

**RESPONSE:** Kohan objects to this request as being overly broad, unduly burdensome, and not proportional to the needs of this case. This is a further invasion of Kohan's privacy and not necessary for Plaintiff to have to protect its general business interests. What will Plaintiff do with the phone records if they are produced? Paro's theory here is one of inevitable disclosure, and nothing in Kohan's phone records will assist Paro in advancing that

theory. Kohan has sworn under oath that he has no Paro trade secrets nor has he solicited Paro clients, and has provided his client list to prove that. Plaintiff has no need for Kohan's cell phone records.

22. All documents referring or relating to any and all communications since beginning your affiliation with FirmKey, that you have had with any expert of Paro, including but not limited to any actual or potential contracts, agreements, proposals, bids, presentations, marketing materials, or invoices.

**RESPONSE:** Kohan objects to this request as being overly broad, unduly burdensome, and not proportional to the needs of this case.

Defendant Kohan's non-solicitation agreement says nothing about Paro's experts and Paro has not asserted that its expert list is a trade secret, because it cannot. The agreement refers to "expert" just once in the entirety of the agreement and is not intended to cover experts in the context of this litigation, but rather is made in reference to expert fees for services. In any case information about experts is readily available to the public.

Dated: September 1, 2023

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**CERTIFICATE OF SERVICE**

I, Thomas G. Pasternak, an attorney, certify that a copy of the foregoing **Defendant Luke Kohan's First Supplemental Responses to Plaintiff's First Set of Requests for Production of Documents and Electronically Stored Information to Defendant Luke Kohan** was served on this 1<sup>st</sup> day of September, 2023, via email upon:

Chad W. Moeller ([cmoeller@nge.com](mailto:cmoeller@nge.com))  
Sonya Rosenberg ([srosenger@nge.com](mailto:srosenger@nge.com))  
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/s/ Thomas G. Pasternak

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